IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

1. CRIMINAL WRIT PETITION NO.406 OF 2006

Sunanda Satish Khivansara, .. Petitioner
Vs
Smt Sarla Someshwar Karwa & ors Respondents.

WITH

2. CRIMINAL WRIT PETITION NO.407 OF 2006

Milind Madhav Purandare .. Petitioner
Vs
Smt Sarla Someshwar Karwa & ors Respondents.

WITH

3. CRIMINAL WRIT PETITION NO.438 OF 2006

Revati Satish Khivansara .. Petitioner
Vs
Smt Sarla Someshwar Karwa & ors Respondents.

WITH

4. CRIMINAL WRIT PETITION NO.491 OF 2006

Satish Kisandas Khivansara, .. Petitioner
Vs
Smt Sarla Someshwar Karwa & ors Respondents.

Mr. T.D.Deshmukh, for the petitioners.
Mr S.S.Shah, for respondent nos 1 and 2.
Mr P.A.Pol, APP for the respondent-State.

CORAM : D.B.BHOSALE, J.

DATED : 19th July, 2006

P.C.:

1. Heard the learned counsel for the parties.

2. Mr.Deshmukh, learned counsel for the petitioners in all the four writ petitions, submits

that he has instructions not to press these petitions and seeks liberty to file independent complaints under sections 420 and 506 of IPC against the accused persons. He further submits that he is seeking such liberty because in the present complaints, while issuing process the learned Magistrate, though there was a prayer for issuing process under sections 420 and 506 of IPC, issued it only under section 138 of the Negotiable Instruments Act. Mr Shah, learned counsel for the respondent, though does not oppose the prayer made by the petitioners, submits that if fresh complaints under section 420 and 506 of IPC are filed same may be directed to be considered in accordance with law. Having considered the submissions made by the learned counsel for the parties, I am satisfied that the following order will meet the ends of justice.

(i) These petitions are disposed of as not pressed.

(ii) Liberty is granted to the petitioners to file fresh complaints under section 420 and 506 of IPC and if such complaints are filed same may be considered in accordance with law, about which I express no opinion. It is also open for the petitioners to file appropriate application for clubbing all the four

complaints under section 138 of the Negotiable Instruments Act and for hearing them together before the learned Magistrate. If such an application is filed same may be considered on merits. Hearing of all the four complaints is expedited.

(D.B.BHOSALE,J.)